

REDLINE VERSION –MANAGEMENT RECOMMENDATIONS (8/04) ON GROUP REPRESENTATION COMPARED TO CURRENT 1611 PROVISIONS

Management proposes moving the existing group representation provision from its current position at §1611.5(c) to its own section dealing solely with group representation (which would be numbered as §1611.9), with certain proposed amendments. Under this approach, current §1611.5(c) would become §1611.9(a) (with minor reorganization and one amendment), and a new subsection (b) would be added as follows:

§1611.9 Representation of Groups

(a) A recipient may provide legal assistance to a group, corporation, or association if it provides information showing that it lacks, and has no practical means of obtaining funds to retain private counsel and either:

(1) ~~is~~ the group, or for a non-membership group, the organizing or operating body of the group, is primarily composed of individuals, who are financially eligible for legal assistance under the Act; or

(2) the group has as its principal activity the delivery of services to those persons in the community who would be financially eligible for LSC-funded legal assistance.

(b) In order to make a determination that a group, corporation, association or other entity is eligible for legal services as required by paragraph (a) of this section, a recipient shall collect information that reasonably demonstrates that the group, corporation, association or other entity meets the eligibility requirements set forth herein.

(c) The eligibility requirements set forth herein apply only to legal assistance supported by funds from LSC, provided that any legal assistance provided by a recipient, regardless of the source of funds supporting the assistance, must be otherwise permissible under applicable law and regulation.